

**Introduced by Senator Alarcon**

February 24, 2006

---

An act to add Section 1283.5 to the Health and Safety Code, relating to health facilities.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1780, as introduced, Alarcon. Health facilities: nosocomial infections.

Existing law prescribes certain licensure and other regulatory requirements for health facilities, as defined. A violation of these requirements by health facilities is subject to criminal sanction.

This bill would require that on and after January 1, 2008, each health facility transmit notification of a nosocomial infection to the Office of Statewide Health Planning and Development. This bill would also require that the office on or before January 1, 2009, and annually thereafter, compile this data and establish an aggregate nosocomial infection rate per health facility and transmit the aggregate nosocomial infection rate of each health facility to all applicable local health agencies.

Because the bill would impose additional requirements on health facilities, it would create a new crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature that this act not  
2     violate a patient's right to confidentiality.

3     SEC. 2. Section 1283.5 is added to the Health and Safety  
4     Code, to read:

5     1283.5. (a) On and after January 1, 2008, each health facility  
6     shall transmit notification of any occurrence of a nosocomial  
7     infection to the Office of Statewide Health Planning and  
8     Development as soon as practical after detection of the infection.

9     (b) Commencing on or before January 1, 2009, and annually  
10    thereafter, the office shall compile the data transmitted pursuant  
11    to subdivision (a) and establish an aggregate nosocomial  
12    infection rate per health facility. The office shall transmit the  
13    aggregate nosocomial infection rate of each health facility,  
14    including the names of the health facilities, to all applicable local  
15    health agencies.

16    (c) Patient social security numbers and other data that could be  
17    used to determine the identity of an individual patient shall not be  
18    included in the disclosures required by this section. Except as  
19    provided in subdivision (d), this section is subject to state and  
20    federal laws concerning the confidentiality of patient identifying  
21    medical information.

22    (d) No person reporting data pursuant to this section is liable  
23    for damages in any action based on the use or misuse of  
24    patient-identifiable data that has been mailed or otherwise  
25    transmitted pursuant to the requirements of this section.

26    SEC. 3. No reimbursement is required by this act pursuant to  
27    Section 6 of Article XIII B of the California Constitution because  
28    the only costs that may be incurred by a local agency or school  
29    district will be incurred because this act creates a new crime or  
30    infraction, eliminates a crime or infraction, or changes the  
31    penalty for a crime or infraction, within the meaning of Section  
32    17556 of the Government Code, or changes the definition of a  
33    crime within the meaning of Section 6 of Article XIII B of the  
34    California Constitution.

O